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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 NOE ARIAS-ORDONEZ,

18 Defendant.
19

No. CR 07-0738 MMC

**DECLARATION OF POLLY E.
KAISER OPPOSING
DEFENDANT'S SUPPLEMENTAL
MOTION TO DISMISS**

Date: May 28, 2008

Time: 2:30pm

Place: Courtroom 7, 19th Floor

20 I, Polly E. Kaiser, declare:

21 I. I am a deportation officer with Immigration and Customs Enforcement
22 (ICE), an agency of the Department of Homeland Security. I have held this position for 5
23 years. In this position, I have become familiar with the documents relating to the
24 deportation, reinstatement and removal of aliens. I have also reviewed the "A-file"
25 pertaining to defendant Noe Arias-Ordonez, which contains the documents pertaining to
26 each time he was deported or removed from the United States. I am competent to make
27 this declaration and I have personal knowledge of the following facts.
28

DECL. OF POLLY KAISER RE: USA'S OPP. TO MTD
CR 07-0738 MMC

1 2. Attached hereto as Exhibit 1 is a true and correct copy of a Warrant of
2 Removal pertaining to Mr. Arias-Ordonez executed June 22, 2004. This document shows
3 that ICE reinstated Arias-Ordonez's deportation and removed him from the United States
4 on June 22, 2004.

5 3. Prior to his removal from the United States on June 22, 2004, Arias-
6 Ordonez was served with a Notice of Intent to Reinstate Prior Order, a true and correct
7 copy of which is attached hereto as Exhibit 2. Arias-Ordonez noted on this form that he
8 did not wish to contest his removal.

9 4. Attached hereto as Exhibit 3 is a sworn statement that Arias-Ordonez gave
10 before his June 22, 2004 removal.

11 5. Attached hereto as Exhibit 4 is a true and correct copy of a Warrant of
12 Removal pertaining to Arias-Ordonez executed April 12, 2006.

13 6. Attached hereto as Exhibit 5 is a true and correct copy of a Notice of Intent
14 to Reinstate Prior Order dated April 11, 2006, and a sworn statement by Arias-Ordonez
15 that is also dated April 11, 2006.

16 7. Attached hereto as Exhibit 6 is a true and correct copy of a Warrant of
17 Removal pertaining to Arias-Ordonez executed July 6, 2006.

18 8. Attached hereto as Exhibit 7 is a true and correct copy of a Notice of Intent
19 to Reinstate Prior Order dated July 5, 2006, and a sworn statement by Arias-Ordonez that
20 is dated July 6, 2006 on the cover, but is dated July 5, 2006 by Arias-Ordonez's signature.

21 9. Attached hereto as Exhibit 8 is a true and correct copy of a Warrant of
22 Removal pertaining to Arias-Ordonez executed July 15, 2006.

23 10. Attached hereto as Exhibit 9 is a true and correct copy of a Notice of Intent
24 to Reinstate Prior Order dated July 15, 2006, and a sworn statement by Arias-Ordonez
25 that is also dated July 15, 2006. This exhibit also includes a Spanish-language Notice of
26 Rights initialed, signed, and dated by Arias-Ordonez.

27 11. Attached hereto as Exhibit 10 is a true and correct copy of a Warrant of
28

1 Removal pertaining to Arias-Ordonez executed July 18, 2006.

2 12. Attached hereto as Exhibit 11 is a true and correct copy of a Notice of
3 Intent to Reinstate Prior Order dated July 18, 2006, and a sworn statement by Arias-
4 Ordonez that is also dated July 18, 2006. This exhibit also includes a Spanish-language
5 Notice of Rights initialed, signed, and dated by Arias-Ordonez.

6 13. Attached hereto as Exhibit 12 is a true and correct copy of a Warrant of
7 Removal pertaining to Arias-Ordonez executed January 30, 2007.

8 14. Attached hereto as Exhibit 13 is a true and correct copy of a Notice of
9 Intent to Reinstate Prior Order dated January 29, 2007, and a sworn statement by Arias-
10 Ordonez that is also dated January 29, 2007.

11 15. Attached hereto as Exhibit 14 is a true and correct copy of a Warrant of
12 Removal pertaining to Arias-Ordonez executed July 9, 2007.

13 16. Attached hereto as Exhibit 15 is a true and correct copy of a Notice of
14 Intent to Reinstate Prior Order dated July 6, 2007.

15 17. Attached hereto as Exhibit 16 is a true and correct copy of a Notice of
16 Intent to Reinstate Prior Order dated November 2, 2007, and a sworn statement by Arias-
17 Ordonez dated November 2, 2007.

18
19 I swear under penalty of perjury according to the laws of the United States of
20 America that the foregoing is true and correct to the best of my knowledge.

21 Executed on May 13, 2007 in San Francisco, California.

22
23 
24 POLLY E. KAISER